

# CENTER FOR CREATIVITY, INNOVATION, AND DISCOVER

## Acceptable Use of Video Material in Educational Settings

### **Authorizations**

Teachers may show video material for learning that meets legal, ethical, and appropriate use requirements as described below. Teachers must preview the video material prior to use to ensure that the material supports the intended curriculum-based instructional activities for which the video material will be used and follows the requirements of this policy. Teachers are encouraged to seek guidance and advice in advance of showing video materials from the Administration in order to determine grade-level appropriateness.

### **Grade Appropriateness by MPAA Rating**

The Motion Picture Association of America (MPAA) has rated videos for commercial distribution, and these ratings have been accepted by the school as a basis for determining age-developmental and grade-level appropriateness.

Unrated video material, or videos that were not submitted to the MPAA for rating, must be unofficially rated using the standard MPAA categories and descriptions for guidance. Video material may be similarly rated by content platforms that have built-in rating systems. Unrated video material may include documentary films, foreign films, or films produced by public television that are appropriate for certain subjects and grade levels. Appropriateness will be determined on a case-by-case basis.

### **Middle and High School Grades**

Teachers may show videos with an MPAA rating of G or PG for educational purposes. TV-PG and PG-rated videos may only be used after a disclosure to parents. PG-13 videos may **not** be shown without administrative approval, disclosure, and parental permission. Typically, even with disclosure and permission, only appropriate excerpts from PG-13 videos may be shown.

If teachers wish to show selected excerpts from a PG-13 film (for instance, a limited number of scenes from a Shakespearean play produced as a film), teachers must obtain permission in advance from the Administration, provide a disclosure to parents, and obtain parental permission prior to students' viewing of this video material.

### **Prohibited Video Material**

Videos with an R or NC-17 ratings **may not be** shown to any grade or used in any educational setting at the school.

### **Streamed Video Material:**

Teachers are allowed to show streamed video material accessed through the Internet if all guidelines of this policy have been appropriately followed. These guidelines include prior determination by the teacher and the supervising Administrator that the video material supports the curriculum and instructional activities, that the video material is content and age/grade appropriate (G, PG, and TV-PG), that the teacher has disclosed the use of video material, that parents have been notified in advance for showing video material with a PG-13 rating, and that parental permission has been obtained for showing video material with a PG-13 rating.

### **Process for Disclosure and Obtaining Parental Permission**

- Disclosure to parents of the use of video material in accordance with this policy, preferably at the beginning of the year for a year-long course or semester for a half-year course. This disclosure may include the types of video titles or video producers used to support instruction.
- Administrative approval for the intended use of a PG-13 video prior to seeking parent permission.
- Notification to parents of the intended use of a PG-13 video or excerpts from a PG-13 video at least five (5) days prior to showing in order to allow time for a parent to indicate permission or to deny permission.
- Retention of correspondence on file from parents who respond that they do not want their child to view an identified PG-13 video(s) or any PG-13 video.
- The provision of an appropriate, alternative assignment for students whose parents do not give permission for their child to see a PG-13 video.

### **Permission through Disclosure**

- Teachers do not have to seek specific parental permission to show G, PG, and TV-PG videos if a general disclosure has been provided to parents at the beginning of the year or semester.
- If the teacher has not been contacted by a student's parent/guardian within the designated notification period, the teacher shall determine that consent for the student to view the video has been granted.

### **Use of Copyrighted Video Materials in the Classroom**

17 U.S.C. § 110(1) permits "the performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction...." This provision applies to showing

entire films and also to those that involve excerpts from one or several sources. This provision contains several noteworthy limitations.

- First, it applies only to face-to-face teaching activities, not distance education. The exceptions that apply to distance education are found in the TEACH Act, 17 U.S.C. § 110(2), and the fair use privilege, 17 U.S.C. § 107. 1.
- Second, this exception applies only to the showing of films in physical classrooms or similar places devoted to instruction, and not in remote locations.
- Third, the exception does not apply when the instructor knowingly shows an unlawful copy of a film. However, the exception still applies if the instructor reasonably believes that he/she is showing a fair use copy of a film.

### **Key Rules for the Use of Copyrighted Video Materials in Distance Education**

- Copyright laws allow for teachers to show “reasonable and limited portions” of audiovisual works, like clips, for learning purposes in distance education.
- Non-dramatic literary works or musical works can be shown fully in distance education.
- The video must be directly relevant and essential to the curriculum and not just supplementary.
- The transmission must be to enrolled students only, to the public, often requiring password-protected learning management systems (LMS).
- No commercial, online-specific content, such as materials produced specifically for paid online education from a publisher may be shown without the acquisition of a license.